



Monthly report on human rights of migrants, refugees and asylum seekers in Serbia and Macedonia

The aim of this Report is to present the current situation regarding the protection of human rights and freedoms of migrants, refugees and asylum seekers passing through, or staying in Serbia and Macedonia. The data in this Report were obtained from 24 civil society organisations from Serbia and Macedonia, within the "Help on the Route" network.

Situation in Serbia

In the park near the Faculty of Economics in Belgrade there are constantly from 70 to 100 people. Most of them are men aged from 18 to 50 and they come from Pakistan, Afghanistan and Iran. The main reason to stay in the park, despite the fact that they are entitled to stay in the reception centres, is to have easier access to smugglers. The most frequent problems they report include insect bites, skin infections, colds, headaches and blisters.

In the previous period, a significant inflow of migrants, especially unaccompanied minors, was noticed. A large number of people are staying in Miksalište on a daily basis, and they usually stay for two to three days due to the overburdening of the Foreigners' Administration. In order to avoid waiting, the Commissariat for Refugees and Migrations places minors in the Centre for Asylum in Krnjača, where they later register them. Field social workers have stopped evaluating the age of minors and have committed themselves to provide escort to the Savski Venac Police Station to every person claiming to be a minor. However, when it comes to a night stay in Miksalište, it is only allowed to persons who are considered by the field social workers to be truly minors.

In the past period, there has been a certain change in practice when it comes to working with unaccompanied minors. Before being sent to registration, they declare themselves whether they are interested in seeking asylum in Serbia or they intend to go to another country. Those who want to seek asylum in Serbia are issued the document on the *Intention to seek asylum* and referred to the Asylum Centre in Krnjača. Minors, who declare before a social worker and a police inspector that they do not intend to stay in Serbia, are issued a document that cancels their stay in Serbia. However, in agreement with the Commissariat, these persons are also referred to the Asylum Centre in

Krnjača where the guardian is assigned to them, as well as to persons who have been granted the *Intention to seek asylum*.

The Centre for Social Work registers each unaccompanied minor who comes to the reception centre and assigns him/her a temporary guardian. According to the instructions of the Ministry of Labour, Employment, Social and Veterans Affairs, after the assignment of the temporary guardian, the accommodation of minors in one of the centres for minors should be determined and reported within 7 days. Upon the approval from the Centre, the transport of a minor accompanied by a temporary guardian is organized by the UNHCR.

The number of refugees and migrants in Serbia increased mildly in September and it made **3,905** by the end of the month (UNHCR data on September 30th, 2018). Most of them (87%) are accommodated in 18 transit-reception and asylum centres, while others are staying in Belgrade or in the areas close to borders with BH, Croatia and Hungary.

UNHCR recorded around 1,800 new arrivals during September. However, due to simultaneous departures from the country the overall number of refugees and migrants has not changed significantly.

A new Law on Asylum and Temporary Protection introduced novelties to the asylum procedure. Several challenges and doubts were noted over this issue in September. First of all, the persons wishing to enter the asylum procedure are not provided with information on basic rights when they arrive at the centre they are addressed to. Those who, under a new Law, are obliged to provide information on basic rights, are not informed to the same extent about new legal regulations. Many organizations that are present at site do not have enough knowledge about the main changes under a new Law. This relates mostly to new deadlines for the possibility of applying for asylum in Serbia and legal consequences that occur if deadlines are not respected.

Certain number of persons in the reception centres cannot approach the asylum procedure because they have missed all legally prescribed deadlines for doing so. Many of them were sent to a certain centre, after receiving the certificate, and they were later diverted to the second, or even the third centre (due to capacity overload) based only on the telephone calls and agreements, without any written traces on those changes. As a result, the Asylum Office cannot locate the person who they would allow to apply for the asylum. To a large extent, this group includes unaccompanied minors who due to their carelessness, or carelessness of their guardians have failed to apply for asylum on time. According to the guardians, besides having no information about a new Law, they are waiting for a decision on guardianship longer than the deadline for submission of an application (15 + additional 8 days), which further implies that this particularly vulnerable category of asylum seekers and migrants, will face serious difficulties in accessing the asylum procedure in Serbia.

The risk for migrants who express the intention to seek asylum in Serbia is a failure to meet the deadline of 15 days (upon the expressed in intent) for the Asylum Office to accept an asylum application, and the persons themselves have an additional 8-day deadline to do so in writing. Many do not know that at all, or they do not understand English language (as the second language in which the application form has been translated), and the asylum application in the mother tongue of migrants still does not exist.

Therefore, it is very important to exchange useful information on changes to the rules and ways of dealing with migrants, in order to respond in the most efficient manner possible to the upcoming problems in practice. In this sense, it is necessary to strengthen the co-operation of the partners more than in the previous period for the benefit and protection of the basic rights of persons who need our protection most.

The problems concerning persons whose final decision is negative are still present. In the future, it is necessary to continue investing efforts and finding the best solutions to regulate the status of persons who are already largely integrated into the Serbian society, whose asylum application has been denied or rejected. One of the ways in which the problems of some of these people would be resolved is to refer to the new provisions of the Law on Foreigners, the implementation of which should start in October 2018. First of all, this implies the institute of *humanitarian care providing*, but it is still too early to speak about that, bearing in mind that this is a completely new institute in Serbian legislation in the framework of protection of foreigners.

S.B. (33) from Iran, who travels alone, stated that, as soon as she landed at the airport "Nikola Tesla", she was immediately detained and told that she had to return. After several days spent in prison, where she was in the same cell with men, she was released and given her papers and instructions that she had to come and register in one of the reception centres, which she did. She says that she was not provided with an interpreter, and that (except at the airport) no one spoke English. *"They did not care about the fact that I was a woman and that I was alone. I had to share a room with men. I had to ask them to bring someone who spoke at least English."*

M.S. (32): *"We have managed to cross the border several times, but every time the same happens. The police catch us and make us return to Serbia. We are too tired and we spent all the money. We do not know what to do anymore. Some families that are in Serbia for a shorter time than us have already managed to get into line and cross the border with Hungary."*

A.F. (29): *"I do not know who to trust anymore; everyone gives me different information about what I can expect in Serbia. Out of desperation we sought the asylum; we have no more money or the power to try to cross the border with Serbia."*

The number of children enrolled in schools in this school year is significantly lower than the last year: **206** during the school year of 2018/19, compared to 574 in the school year of 2017/18. Transport is still provided from different sources and is not systematically resolved. Unequal access to classes significantly affects the quality of education. The reason for the shorter time that migrant children spend in school is sometimes logistic, and sometimes the issue of the schedule optimisation. The pupils are still provided very limited access to secondary schools and more work needs to be done on motivation for education, because apsentism is high.

Situation in Macedonia

In the first half of September, the situation in Macedonia remained the same. The number of residents in Tabanovce, Kumanovo did not go beyond 35 migrants, whereas in Vinojug, Gevgelija the number of migrants varied from 50 to 60. However, in the second half of September, a significant increase of movement through irregular routes was recorded, mostly persons who were pushed back from Serbia and returned to Macedonia without any assistance. In a one-week period, the field workers registered 420 refugees (340 males, 22 women, and 58 children), mostly from Pakistan, Afghanistan, Iran, Iraq, Syria, Algeria, and Iran.

The refugees intercepted by the field monitor teams are described as tired, frightened, demoralized, stressed, hungry, uninformed and, most importantly, they are feeling unsafe.

Conditions are normal in Tabanovce, residents get food regularly, 3 times per day. In Vinojug, Gevgelija, the lack of food and clothes continues to be a problem, which needs to be addressed having in mind the increased numbers of migrants coming from Greece on their way to Europe.

Police reports

The effect of the increased frequency in movement can be noticed also in the reports published by the Ministry of Interior (MOI). Namely, the MOI published 12 reports concerning smuggling and trafficking of migrants, which involve the total of 420 migrants caught in the smuggling routes.

On September 7th, 2018, on the road Veles - Skopje, in front of the Katlanovo tunnel, a truck filled with migrants derailed from the road. The driver escaped, and 18 people (migrants) were hurt and given medical assistance in the Mother Teresa Hospital in Skopje.

Another worrying trend in the reports of the MOI is the detention of migrants in police stations and in the Reception Centre for Foreigners - Gazi Baba. On September 11th, 2018, police officers stopped a passenger vehicle "BMW" with Tetovo registration plates in Gevgelija for a regular control. During the inspection of the vehicle, ten migrants were found, eight from Pakistan and two from Afghanistan. The driver escaped from the scene, but after a short time he was found and detained. After full documenting the case, an appropriate submission will be filed against him. The migrants were detained at the Police Station for the railway Border Crossing "Bogorodica" for further procedure. On September 22nd, 2018, a large group of persons was registered by the patrol from the Police Station for border surveillance Bogorodica. The group ran from the Paljurci dam to the village Furka. On a given order by uniformed police officers to stop moving, an unknown person at the front of the group ran, and the group of 37 people (migrants) was stopped. After that, 37 migrants were detained at the PS Bogorodica for further procedure.

Violent crimes against migrants are still present in the police reports. In September 19th, 2018 near the village of Krivolak, Negotino, four unknown persons committed robbery over four people - migrants, citizens of India. The perpetrators took 950 euros and four mobile phones. Regarding the incident, the Sector for Internal Affairs Veles filed criminal charges against RM (26), EM (22) and BR (23) from the village Krivolak-Negotino due to the existence of grounds for suspicion of committing a criminal act of robbery.

RECOMMENDATIONS

For Serbia:

- It is necessary to continue efforts aimed at ensuring the observing of the right to asylum and access to the procedure, as well as efficient asylum procedure and protection of persons who need international protection.
- Adequate protection should be provided to those refugees and migrants who are outside the system, who are not registered or accommodated in the way that will enable them to exercise their basic rights.
- Preventing of smuggling and human trafficking remains high on the list of priorities, with advocating prevention of harassment of refugees and migrants by the authorities or civilians along the refugees' route.
- An efficient providing of comprehensive assistance requires co-ordination of activities between the civil society organisations and service providers from the public sector. The feasibility and impact of activities reach the maximum if they are co-ordinated between all the key stakeholders.
- The activities of information dissemination, linking, learning about and intercultural exchange are of great significance in order to bridge the distance between local and refugee communities. In the context of the beginning of the school year it is important to inform and co-operate with parents of local children and refugee children for the purpose of better preparation and preventing of misunderstanding, prejudice and fear.
- Basic human rights and freedoms of refugees and migrants should be promoted, observed and protected at all times by all the institutions and citizens.
- It is necessary to invest efforts to prevent discrimination towards migrants and to respond adequately to cases of proven discrimination so that they do not repeat.

There is a large need in the reception and asylum centres to organise free time and provide for occupational, recreational and other activities for migrants

For Macedonia:

- The practice of illegal deportation to Greece must be immediately terminated and replaced with a lawful procedure of readmission of the refugees who wish to return to Greece.
- Any allegations of police violence or hate crimes against the refugees must be reported and thoroughly investigated by the Ministry of Interior. Refugees who are the victims of smugglers must not be held in detention in the Reception Center for Foreigners in Skopje as witnesses in criminal proceedings.
- The conditions in the accommodation facilities need to be addressed with regards to the increasing number of migrants passing through the reception centers.

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